GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PR&RD Dept. - Estt.III - Orders of APAT in O.A. No.677/2014, Dt.02-09-2016, filed by Sri Challari Rammohan Rao, S/o Challari Venkaiah and (06) other Last Grade Service employees, working in various Gram Panchayats in Krishna District -Further Judgement of High Court of A.P., dated:13.04.2022 in W.P.No.413/2021, filed by Sri Challari Rammohan Rao, S/o Challari Venkaiah and (10) others Implementation of Court Directions - Orders – Issued

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PANCHAYATRAJ AND RURAL DEVELOPMENT (EST.III) DEPARTMENT

G.O.Rt.No.29

Dt: 28.04.2023
Read the following: -

1. G.O.Ms.No.330, PR&RD (Estt.V) Dept., Dt.23.09.2011.
2. Orders of the Hon'ble Tribunal, dt.02.09.2016 in OA.No.677/2014 filed by Sri Challari Rammohan Rao S/o Challari Venkaiah and 5 others R/o Krishna District.
3. Final Order of the Hon'ble High Court of A.P., dt.13.04.2022 in W.P.No.413/2021.
4. Memo.No.1721109/CPR&RD/N3/2022, dt.10.05.2022 of the Commissioner, PR&RD addressed to the DPO, Krishna District under copy mark to Govt.
5. Govt.Memo.N0.1728815/Est.I1I/A1/2022, dt:19.05.2022.
6. Remarks of the AoR., Supreme Court of India, Letter, Dt.11.07.2022.
7. From the DPO., Krishna, Machilipatnam, Roc.521/2014, Pts.8, dated: 16.07.2022.
8. Representation from Sri Challari Rammohan Rao, Retired Sweeper, Veeravalli Gram Panchayat of Bapulapadu Mandal, Krishna and one other, received on 21.07.2022.
9. From the CPR&RD., A.P., Lr.No.1721109/CPR&RD/N3/2021, Dt.28.07.2022.
10. Representation from Legal Heirs of late Sri K.Ramulu, S/o. Kotaiah and late Sri T.Nageswara Rao, S/o. Pothuraju, received on 30.09.2022.

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In the G.O.1st read above, Government had accorded permission to the Commissioner, PR&RE., Andhra Pradesh, for regularization of services of 24 part- time employees, who were working in various Gram Panchayats of Krishna District and completed 10 years of service, against the posts of Office Subordinate/Sweeper/Bill Collector, as shown in the annexure to the order, in terms of G.O.(P). No.112, Finance & Planning (FW-PC.III) Dept., dated:23.07.1997, from prospective effect.

2. Out of them, Sri Ch. Rammohan Rao, Sweeper and (05) other Last Grade Service employees, working in various Gram Panchayats in Krishna District, have filed O.A. N0.677/2014, before the Hon'ble A.P. Administrative Tribunal, with a prayer to direct the respondents to consider regularizing their services for the purpose of seniority, pay, pension and other retirement benefits from the date, they have completed ten years of service. In the reference 2nd read above, the Hon'ble A.P. Administrative Tribunal, in its judgement dt.02.09.2016, have ordered that the OA is allowed granting similar relief in terms of the order in O.A.No.9268/2012, dated: 02.03.2016, treating it as covered case. The operative portion in order dated: 02.03.2016 in O.A. No.9268/2012 (filed by Sri Md. Sanaullah, Off. Subordinate, Vuyyru Gram Panchayat), passed by the Hon'ble A.P. Administrative Tribunal, is as under:-

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"In view of the finding on the point, OA is allowed declaring that the applicant is entitled for regularization of his services w.e.f. 23.07.1997 when he has completed 10 years of service as per G.O.(P). No.112, Finance & Planning (FW-PC.III) Dept, dated 23.07.1997, with all consequential benefits."

3. Consequently, Sri Ch.Rammohan Rao, Sweeper and (10) others have filed W.P.No.413/2021 before the Hon'ble High Court of A.P., with a prayer to direct the Respondents to regularize the services of the Petitioners with effect from 23.07.1997 when they have completed 10 years of service with all consequential benefits as per the orders of the Hon'ble Tribunal dt.02.09.2016 in O.A No. 677/2014 and pass such order. In the reference 3rd read above, the Hon'ble High Court delivered its judgment and the relevant extract of final order dt.13.04.2022 in W.P. No.413/2021, is as follows: -

"For the aforesaid reasons, the Writ Petition is disposed of, directing respondent Nos.1 to 3 to implement the order of the Andhra Pradesh Administrative Tribunal passed in O.A.No.677 of 2014, dated 02.09.2016, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs."

4. As per the directions issued in the references 4th and 5th read above, the District Panchayat Officer, Krishna District, has prepared the material for filing SLP in the Hon'ble Supreme Court of India and submitted the papers to the Advocate on Records (AoR) for filing SLP/Opinion. Whereas, the AoR, Supreme Court of India, vide reference 6th read above, has opined that this case is not fit for filing SLP before the Supreme Court as the order dated 02.09.2016 passed by the A.P. Administrative Tribunal appears to have attained finality since no challenge appears to have been made thereto by the State. Therefore, the District Panchayat Officer, Krishna, has requested the Government to issue necessary orders for taking further action in the matter.

5. The W.P.No.413/2021 was filed by (11) petitioners for implementation of Tribunal orders dated 02.09.2016 in O.A.No.677 of 2014. Out of 6 petitioners in O.A., only four members filed the W.P.No.413/2021. Among four, two members died and on behalf of them their legal representatives /family members (7 No.), impleaded in the said W.P.

6. Whereas, in references 8th & 10th read above, Sri Challari Rammohan Rao, Retired Sweeper, and Sri K. Venkateswara Rao, Sweeper, Veeravalli Gram Panchayat and also Legal Heirs of Late Sri K.Ramulu, Sweeper/Tank Watcher, Pedakallepalli and Legal Heirs of Late Sri T.Nageswara Rao, Sweeper, Ibrahimpatnam, have represented the Government to implement the Court orders passed in W.P.No.413 of 2021 and regularize their services with retrospective effect.

7. After careful examination of the matter, keeping in view the opinion of the Advocate on Records (AoR), Supreme Court of India, and the request of the Commissioner, PR&RD., A.P., Government have decided to comply with the orders dated:13.04.2022 of Hon'ble APHC in W.P.No.413 of 2021, so as to implement the orders of Hon'ble A.P. Administrative Tribunal, dated: 02.09.2016 in O.A.No.677 of 2014, as a special case without setting as a precedent. Accordingly, Government hereby order to regularize the services with retrospective effect from 23.07.1997, i.e., instead of date of issuance of the orders vide G.O.Ms.No.330, PR&RD (Estt.V) Dept., Dt.23.09.2011, in

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respect of the following four (4) employees, when they have completed 10 years of service as per G.O.(P). No.112, Finance & Planning (FW-PC.III) Dept., dated:23.07.1997, with all consequential benefits, subject to outcome of the S.L.P.Nos.28583/2018, 9966/2020 and other similar SLPs, if any pending before the Hon'ble Supreme Court of India: -

1. Sri Ch. Rammohan Rao, S/o. Challari Venkaiah, Retired Sweeper, Veeravalli Gram Panchayat, R/o Veeravalli, Bapulapadu Mandal, Krishna District.
2. Late Sri K.Ramulu, S/o. Kotaiah, Sweeper/Tank Watcher, Pedakallepalli Gram Panchayat, R/o. Pedakallepalli, Mopidevi Mandal, Krishna District.
3. Late Sri T.Nageswara Rao, S/o. Pothuraju, Sweeper, Ibrahimpatnam Gram Panchayat, R/o. Ibrahimpatnam, Krishna District.
4. Sri K.Venkateswara Rao, S/0. Venkateswarlu, Sweeper, Veeravalli Gram Panchayat, R/o Veeravalli, Bapulapadu Mandal, Krishna District.

8. The Commissioner, Panchayat Raj & Rural Development, A.P., and the District Panchayat Officer, Krishna, shall take further necessary action accordingly.

9. This order issues with the concurrence of the Finance (HR.I-PIg.& Policy) Dept., vide their Finance U.O.No.HROPDPP/229/2022(Computer No. 1816136), dated: 13.03.2023

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Panchayat Raj & Rural Development, A.P., Tadepalli, Guntur District.
The District Panchayat Officer, Krishna District.
The District Collector (PW), Krishna District.
Copy to:
Sri Ch. Rammohan Rao, S/o. Challari Venkaiah, Retired Sweeper, Veeravalli Gram Panchayat, R/o Veeravalli, Bapulapadu Mandal, Krishna District.
Sri K.Venkateswara Rao, S/o. Venkateswarlu, Sweeper, Veeravalli Gram Panchayat, R/o Veeravalli, Bapulapadu Mandal, Krishna District.
Smt. Kondaigunta Malleswari, W/o. Late Ramulu, R/o K. Kothapalem, Mopidevi Mandal, Krishna District.
Smt. Tupakula Appala Narasamma, W/o. Late T.Nageswara Rao, Relli Colony, Killa Road, Kondapalli Post, Ibrahimpatnam Mandal, Krishna District.
The OSD to Dy.C.M (PR&RD).
The PS to Spl. C.S (PR&RD).
The Finance (HR.I-Plg.& Policy) Dept.,
The Director of Treasuries and Accounts, A.P., Mangalagiri.
The District Treasury Officer, Krishna.
SF/SC

//FORWRDED:: BY ORDER//

SECTION OFFICER